

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MUHAMID THORNTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	02: 09-cv-0246
	)	
PAUL ABLE, individually and in his capacity	)	
as officer for the City of Pittsburgh Police	)	
Department; LORI DOBROSIEL, Individually	)	
and in her capacity as officer for the Allegheny	)	
County Sheriffs Office; CITY OF	)	
PITTSBURGH; ALLEGHENY COUNTY;	)	
ALLEGHENY COUNTY SHERIFF'S	)	
DEPARTMENT; CITY OF PITTSBURGH	)	
POLICE CHIEF NATE HARPER; Pittsburgh	)	
Police Department; RENEE KACSUTA,	)	
Individually and in her capacity as Pittsburgh	)	
Police lieutenant,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

Plaintiff, Muhamid Thornton, *pro se*, has filed a MOTION FOR SERVICE BY U.S. MARSHAL in which he seeks to have the Defendant Paul Able served with process by the U.S. Marshal. On March 2, 2009, the Court granted Plaintiff leave to proceed *in forma pauperis*. Therefore, pursuant to Federal Rule of Civil Procedure 4(c), the instant Motion is **GRANTED**.

**IT IS HEREBY ORDERED** that Plaintiff shall complete and submit a USM-285 form (Process Receipt and Return), which is attached, to the Clerk of Court on or before **June 5, 2009**. Plaintiff is advised that service will not be made on Defendant Able until the properly completed USM-285 form has been returned to the Clerk of Court.

Plaintiff shall also complete and submit a Form 1A (Notice of Lawsuit and Request for Waiver of Service of Summons) which is also attached, to the Clerk of Court on or before **June 5, 2009**.

The Clerk of Court shall then forward the forms submitted by the Plaintiff, a Form 1B (Waiver of Service of Summons), the Amended Complaint, and a copy of this Order of Court to the United States Marshal for service upon Defendant Able.

The United States Marshal is **DIRECTED**, pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure, to serve process on Defendant Able in the manner specified in Rule 4(d)(1) of the Federal Rules of Civil Procedure. Process in this case shall consist of the Amended Complaint, Forms 1A and 1B, and this Order of Court. For purposes of computing the passage of time under Rule 4(d)(3), the Court and all parties will compute time as of the date it is mailed by the Marshal, as noted on the USM-285 form. All costs of service made in this manner shall be borne by the government.

The United States Marshal shall file the returned waiver of service, or if applicable, the request for waiver of service that is returned as undelivered, as soon as it received. If a waiver of service is not returned by Defendant Able within **THIRTY (30) DAYS** from the date of mailing the request for waiver, the United States Marshal shall:

- (i) Request that the Clerk of Court prepare a summons for Defendant Able; the Clerk of Court shall then prepare such summons as requested;
- (ii) Personally serve process upon Defendant Able pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c);

(iii) Within ten (10) days after personal service is effected, the United States Marshal shall file the return of service for Defendant Able, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on Defendant Able. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshal's office for photocopying additional copies of the summons and amended complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against Defendant Able in accordance with the provisions of Federal Rule of Civil Procedure 4(d)(2), unless Defendant Able shows good cause for such failure.

So **ORDERED** this 22nd day of May, 2009.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

cc: Muhamid Thornton  
2910 Stockton Street  
Akron, OH 44314  
(via United States Mail, postage prepaid and  
Certified Mail, Return Receipt Requested)